

REMARKS

Claims 1-10 are pending in this application. Claims 1 and 8 stand rejected and claims 2-7, 9, and 10 are objected to. Applicant wishes to thank the Examiner for the indication of allowable subject matter in claims 2-7, 9, and 10. By this Amendment, claim 6 has been amended. The amendment made to claim 6 does not alter the scope of this claim, nor has this amendment been made to define over the prior art. Rather, the amendment to claim 6 has been made to correct a typographical error. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance and requests reconsideration and withdrawal of the rejection to claims 1 and 8.

Applicant acknowledge with appreciation the Examiner's indication of allowable subject matter in dependent claims 2-7, 9, and 10. For the reasons set forth below, Applicant respectfully submit that the rejected claims are also patentable over the prior art of record, for the reasons discussed below.

Applicant submits herewith drawing changes for Figures 3 and 5 to correct the left margin. Therefore, Applicant requests that the objection to the Figures be withdrawn.

Claim 6 has been amended so that it now depends from claim 4.

Paragraphs 4 and 5 reject claims 1 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,507,524 ("Yun"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of claim 1 that is neither disclosed nor taught by Yun is:

a transmitting side attenuation section for attenuating a microphone input voice signal [and] a receiving side attenuation section for attenuating a received voice signal having a third level to produce a speaker output voice signal having a fourth level.

Similarly, claim 8 contains limitations directed to:

a first attenuation circuit which receives the first voice signal from the first receiver and produced a first attenuated signal; [and] a second attenuation circuit which receives the second voice signal from the second receiver and produces a second attenuated signal.

The Office Action asserts that the transmitting side attenuating section of claim 1 is disclosed at column 3, lines 13-22 in element 48 and the receiving side attenuation section is shown as element 57, column 3, lines 13-22. Applicant disagrees with this interpretation of Yun. Similarly, the Office Action asserts that the

claimed first attenuation circuit and second attenuation circuit are shown at col. 3, lines 13-22.

Applicant respectfully disagrees. In Yun, the microphone input voice signal is amplified using variable gain amplifiers 48 and 57. The received voice signal is amplified using amplifier 57. Yun only discloses amplifying the input signals not attenuating them as explicitly recited in Applicant's claims. In fact, as shown in Figure 2, the signals in Yun are always amplified. In Yun, the gain of the amplifiers is changed either by increasing or reducing the gain of the amplifier. At no time is the microphone input voice signal or the received voice signal attenuated, as explicitly recited in Applicant's claim. Thus, Applicant respectfully requests withdrawal of the rejection to claims 1 and 8.

Applicant defers writing allowable claims 2-7, 9, and 10 until final resolution of claim 1 and 8.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Application No.: 09/228,894

Docket No.: K3281.0005/P005

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: October 24, 2003

Respectfully submitted,

By 

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas - 41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant

IRB/mgs
Attachments